



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,689	10/11/2001	Niko Canner	056732/00004	9226
31013	7590	07/01/2004	EXAMINER	
KRAMER LEVIN NAFTALIS & FRANKEL LLP INTELLECTUAL PROPERTY DEPARTMENT 919 THIRD AVENUE NEW YORK, NY 10022			HAMILTON, MONPLAISIR G	
			ART UNIT	PAPER NUMBER
			2135	
DATE MAILED: 07/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/975,689	CANNER ET AL. <i>[Signature]</i>
	Examiner	Art Unit
	Monplaisir G Hamilton	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 11 October 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 and 3</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-30 are pending.

***Priority***

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) received on 12/10/01 and 3/14/02 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Sheehan (US 6,144,838).

Referring to Claims 1, 9, 22, 28 and 30:

Sheehan discloses a method of conducting an assessment, comprising:  
presenting a plurality of queries to an entity (col 5, lines 45-55);  
receiving a response to each of the plurality of queries (col 5, line 60-col 6, line 10);  
applying the responses to a plurality of rules so that each rule has one of a satisfied state and an unsatisfied state, a portion of the plurality of rules being interdependent (col 5, lines 35-45; col 6, lines 30-45; col 7, lines 5-40);  
identifying feedback items based on the state of the plurality of rules, each feedback item being associated with at least one of the plurality of rules having the satisfied state (col 9, lines 45-60; col 24, lines 5-55); and

transmitting the feedback items to the entity (col 23, lines 30-45; Fig. 6).

Referring to Claim 2:

Sheehan discloses the limitation of Claim 1 above. Sheehan further discloses the plurality of queries relate to a performance area (col 5, lines 45-60).

Referring to Claim 3:

Sheehan discloses the limitation of Claim 1 above. Sheehan further discloses the entity is a group (col 5, lines 30-35).

Referring to Claim 4:

Sheehan discloses the limitation of Claim 1 above. Sheehan further discloses the entity is an individual (col 5, lines 30-35; Fig. 6).

Referring to Claim 5:

Sheehan discloses the limitation of Claim 1 above. Sheehan further discloses a host computer presents the plurality of queries and transmits the feedback items (col 23, lines 30-45).

Referring to Claim 6:

Sheehan discloses the limitation of Claim 1 above. Sheehan further discloses the plurality of rules include mathematical formulae (col 25, lines 5-30).

Referring to Claim 7:

Sheehan discloses the limitation of Claim 1 above. Sheehan further discloses the plurality of rules include Boolean operations (col 26, lines 45-55).

Referring to Claim 8:

Sheehan discloses the limitation of Claim 7 above. Sheehan further discloses ones of the plurality of rules use output from other of the plurality of rules (col 28, lines 20-45).

Referring to Claim 10:

Sheehan discloses the limitation of Claim 9 above. Sheehan further discloses the memory includes a query database storing the plurality of queries (col 8, lines 30-50).

Referring to Claim 11:

Sheehan discloses the limitation of Claim 9 above. Sheehan further discloses the memory includes a rules database storing the plurality of rules (col 26, lines 55-65).

Referring to Claim 12:

Sheehan discloses the limitation of Claim 9 above. Sheehan further discloses the memory stores the responses to the plurality of queries (col 8, lines 30-50).

Referring to Claim 13:

Sheehan discloses the limitation of Claim 9 above. Sheehan further discloses the user computer includes a display to display the feedback items (col 14, line 65-col 15, line 30).

Referring to Claim 14:

Sheehan discloses the limitation of Claim 9 above. Sheehan further discloses the plurality of rules include a Boolean operation, a true condition of the Boolean operation corresponding to the satisfied state and a false condition of the Boolean operation corresponding to the unsatisfied state (col 20, lines 20-55).

Referring to Claim 15:

Sheehan discloses the limitation of Claim 9 above. Sheehan further discloses the communications link includes one of a dialup connection, a wireless network connection, a local area network, a wide area network, fiber optic connection and an Internet connection (col 24, lines 15-25).

Referring to Claim 16:

Sheehan discloses the limitation of Claim 9 above. Sheehan further discloses the memory includes computer executable code identifying an additional set of queries to be presented to the entity as a function of a predetermined response to at least one of the plurality of the plurality of queries (col 13, line 5-50).

Referring to Claim 17:

Sheehan discloses the limitation of Claim 9 above. Sheehan further discloses the queries include one of a statement and a question (Fig. 2A).

Referring to Claim 18:

Sheehan discloses the limitation of Claim 9 above. Sheehan further discloses the computer executable code transmitting the feedback items to the user computer includes links to additional resources related to a respective feedback item (col 13, lines 35-60).

Referring to Claim 19:

Sheehan discloses the limitation of Claim 18 above. Sheehan further discloses the links include one of a hyperlink and an identification of an additional resource (col 13, lines 35-60).

Referring to Claim 20:

Sheehan discloses the limitation of Claim 19 above. Sheehan further discloses hyperlink includes identification of a universal resource locator and the additional resource includes publication (col 13, lines 35-60).

Referring to Claim 21:

Sheehan discloses the limitation of Claim 9 above. Sheehan further discloses the entity includes one of an individual and a group (col 5, lines 30-40).

Referring to Claim 23:

Sheehan discloses a method of conducting an assessment, comprising:  
presenting a plurality of queries to an entity (col 5, lines 45-55);  
receiving a response to each of the plurality of queries (col 5, line 60-col 6, line 10);  
applying the responses to a plurality of rules so that each rule has one of a satisfied state and an unsatisfied state, a portion of the plurality of rules being interdependent (col 5, lines 35-45; col 6, lines 30-45; col 7, lines 5-40);  
identifying feedback items based on the state of the plurality of rules, each feedback item being associated with at least one of the plurality of rules having the satisfied state (col 9, lines 45-60; col 24, lines 5-55);; and  
transmitting the feedback items to the entity, at least one of the feedback items including a link to an additional resource associated with the feedback item, wherein the plurality of rules results in at least a first comparative indicator and at least a second comparative indicator, the first comparative indicator representing an ideal situation for the entity, and the second comparative indicator representing a current situation for the entity (col 23, lines 30-45; Fig. 6; col 13, lines 30-55).

Referring to Claim 24:

Sheehan discloses the limitation of Claim 23 above. Sheehan further discloses the first comparative indicator includes two comparative indicators used to determine the ideal situation and the second comparative indicator includes two comparative indicators used to determine the current situation (Fig. 6).

Referring to Claim 25:

Sheehan discloses the limitation of Claim 24 above. Sheehan further discloses the feedback items include at least one feedback item based on a comparison between the ideal situation and the current situation (Fig. 6).

Referring to Claim 26:

Sheehan discloses the limitation of Claim 24 above. Sheehan further discloses displaying a comparison of the ideal situation and the current situation (Fig. 6).

Referring to Claim 27:

Sheehan discloses the limitation of Claim 23 above. Sheehan further discloses the plurality of queries relate to one of an individual assessment and a group assessment (col 5, lines 30-60).

Referring to Claim 29:

Sheehan discloses the limitation of Claim 23 above. Sheehan further discloses a storage medium coupled to the CPU, the storage medium including at least one database and storing the plurality of queries, the plurality of rules and the feedback item (col 24, lines 15-30).

***Prior Art***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

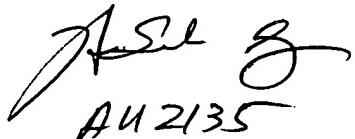
US 5987443 issued to Nichols, Mark Stewart et al. Nichols discloses a system that provides a goal based learning system utilizing a rule based expert training system to provide a cognitive educational experience. The system provides the user with a simulated environment that presents a business opportunity to understand and solve optimally. Mistakes are noted and remedial educational material presented dynamically to build the necessary skills that a user requires for success in the business endeavor. The system utilizes an artificial intelligence engine driving individualized and dynamic feedback with synchronized video and graphics used to simulate real-world environment and interactions. Multiple "correct" answers are integrated into the learning system to allow individualized learning experiences in which navigation through the system is at a pace controlled by the learner. A robust business model provides support for realistic activities and allows a user to experience real world consequences for their actions and decisions and entails real-time decision-making and synthesis of the educational material.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is (703) 305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
AU2135

Monplaisir Hamilton